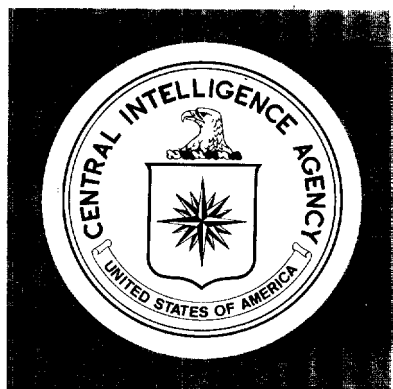


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Law of the Sea Country Study

Ghana

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GCR LOS 75-7
April 1975

NATIONAL SECURITY INFORMATION
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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] involved. Part II provides basic data and information bearing on law of the sea matters.

This study was prepared by the Office of Geographic and Cartographic Research. [REDACTED] was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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ANNEX

UN LOS draft articles submitted by Ghana
Maps: Regional map
Theoretical Division of the World Seabed

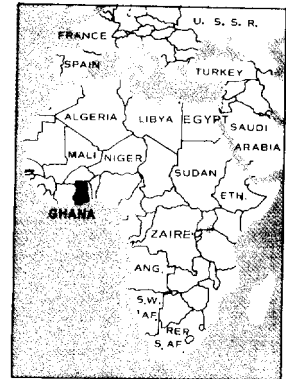
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GHANA

Part I -- Law of the Sea Analysis

A. SUMMARY (U)

A list of Ghana's Law of the Sea (LOS) priorities would have those issues dealing with a coastal state's share of the resources of the coastal economic zone and deep seabed at the top; marine pollution and scientific research in the middle, followed at some distance by the rights of landlocked and geographically disadvantaged states; and straits, archipelagos, and islands at the bottom. Ghana is very protective of the resources in its coastal area and will seek maximum jurisdiction over them. Ghana also will seek a maximum share of the revenues from deep sea mining; thus it supports establishment of the 200-mile* exclusive coastal state economic zone, with an included 12-mile territorial sea, and an all-powerful authority to govern and exploit the international seabed.



Accra views marine scientific research and pollution control as vehicles for technology transfer and wants them tightly regulated by the coastal state in the zone of national jurisdiction and by an international authority in the area beyond. It will demand transfer of technology from any developed state that wants to fish in the Ghanaian economic zone and wants the right to regulate coastal pollution standards in accordance with local environmental and economic peculiarities.

Ghana lends lip service to the demands of the landlocked and geographically disadvantaged states and to the Group of 77 position on islands, archipelagos, and straits. Only the landlocked issue is of any direct concern to the country, for it has one such neighbor (Upper Volta) and may well be obliged to provide it with free access to the sea and with a share of the fishery resources in the Ghanaian economic zone. Even the most restrictive of innocent passage regimes in international straits will suit Ghana, although

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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the Ghanaian Caracas delegation did call for moderation on this issue, i.e., a compromise between the interests of the maritime states and the straits states. The disposition of archipelago and island regimes will not affect Ghana.

B. FACTORS INFLUENCING LOS POLICY (U)

Special Geographic Features

Ghana is listed among the world's broad-margin states. Equidistant lines extended seaward from the ends of the Ghanaian coast to the edge of the continental margin include between them an area of more than 93,700 square miles, some 1,700 square miles greater than the country's land area. These lines, however, are not recognized international boundaries and could well be adjusted by future treaties between Ghana and its neighbors.

Uses of the Sea

Mineral Resources -- The prospects for finding petroleum in Ghana's extensive continental margin are thought to be excellent. Exploration on the continental shelf has been underway for several years, and at least one producing exploratory well has been drilled.

Ghana produces 1.4 percent of the world's manganese, all of which is exported. Revenues from that metal contribute so little to Ghana's economy, however, that seabed mining of the metal would have virtually no effect on the Ghanaian gross domestic product.

Living Resources -- Ghana has the fourth largest fishing fleet in Africa. In West Africa, only Senegal's fleet is larger. The country's fleet consists of the traditional canoes (some motorized), accounting for about half of the country's total catch, and more sophisticated vessels, including refrigerator-equipped deep sea trawlers and seiners and at least one factory ship. The deep sea fleet operates off southern and western Africa.

Ghana's coastal fisheries, although rich, are now being fished to near capacity. The burden of satisfying the country's growing demand for fish (Ghana's per capita consumption of fish is one of the highest in Africa) will fall largely on the distant-water fleet.

Marine Transportation -- Ghana's merchant fleet, largely government owned, is one of the largest and most modern of the developing African countries. It carries nearly half of the country's international seaborne trade and operates on routes that connect Ghana with North America, Europe, and the Mediterranean.

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Naval and Air Transportation Considerations -- The Ghanaian Navy is a coastal defense force of limited capability. Ghana Airways Corporation, the national carrier, has routes in West Africa and between Ghana and Europe and the Middle East.

Political and Other Factors

A former British colony, Ghana is very conscious of its 19th and early 20th century history, the period when, as a Ghanaian LOS delegate put it, "our less sophisticated forefathers...were induced to sign away..." the country's heritage to fuel the economies of Europe. To insure that this will never again happen, under any guise, and to recoup what it feels it lost during the colonial era, Ghana will be very protective of its coastal resources and will seek for itself and for all developing countries a maximum share of the wealth of the oceans beyond the areas of national jurisdiction. Ghana has been an active and influential participant in the various Organization of African Unity LOS meetings. The Ghanaian LOS delegations have supported the Group of 77 positions on all issues, with those issues dealing directly with resource jurisdiction receiving their most enthusiastic backing.

C. LAW OF THE SEA POLICY

Territorial Sea (C)

The National Redemption Council, the country's ruling body, extended the national territorial sea to 30 miles in 1973 in an effort to protect Ghanaian coastal fisheries. The act chagrined the country's LOS experts who wanted to await the outcome of the LOS Conference before deciding the necessity for such a step. The delegates have since indicated that Ghana would reduce its claim appropriately if a 12-mile territorial sea in conjunction with an exclusive coastal economic zone up to 200 miles in breadth was incorporated into a new oceans treaty. Ghana favors a precisely defined innocent passage regime in the territorial sea.

Straits (U)

Ghana adheres to the Organization of African Unity position that calls for innocent passage for merchant ships and prior notification for warships in international straits that fall within a territorial sea regime, but the country's delegation agrees that further clarification of the issue is needed. The issue is not an important one for Ghana since it is not a strait state and, further, has no strategic interest in straits transit. Innocent passage for its merchant fleet is all that Accra requires.

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Accra is making an effort to resolve the straits issue, however. Its delegation has called for striking a balance between the interests of the maritime states and the straits states. The delegation also has proposed that straits be classified according to their physical character and function, an indication that Ghana sees establishment of more than one straits transit regime as the solution. Ghana's official position on overflight is that it is adequately covered under existing international law.

Islands and Archipelagos (U)

Islands and archipelagos are issues that hold only political interest for Ghana; its delegation has said very little about either. According to draft articles on the economic zone that Ghana cosponsored at Geneva in 1973 (see Annex), the maritime zones of islands should be determined according to the island's size, population density, location relative to the principle territory and other territories, and geomorphic character. At Caracas in 1974, the Ghana delegation's position on islands under "foreign domination" was that the islands should be accorded full economic zone jurisdiction, but that the benefits of the resources therein should accrue only to the indigenous inhabitants, not the sovereign power.

Ghana's delegation will vote for whatever regime the archipelago states agree to among themselves.

Coastal State Jurisdiction Beyond the Territorial Sea (U)

Ghana favors the establishment of national economic zones up to 200 miles in breadth measured from the territorial sea baseline. In the zone, the coastal state would have exclusive and permanent jurisdiction over all resources and activities except navigation and overflight and the laying of submarine cables and pipelines.

Ghana's public statements to date reveal its opposition to national jurisdiction of the continental margin seabed resources beyond the economic zone. Realizing, however, that several broad-margin states will not be inclined to relinquish ownership of the margin beyond 200 miles given them by the exploitability clause of the 1958 Continental Shelf Convention, Ghana is prepared to consider revenue sharing in that area as a possible accommodation between these states and the opponents of such an extensive jurisdiction. The Ghanaian delegation has so far displayed no awareness of its own country's extensive margin -- 30,000 square miles of it (equal to 42 percent of the country's land area) beyond a line 200 miles from the coast. To eliminate the possibility of a broad-margin state claiming ownership of the living resources above the margin

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beyond the exclusive economic zone, Ghana proposes that the provisions of the Continental Shelf Convention, which specifically excludes national jurisdiction over the superjacent waters, apply in these instances.

Fisheries (U)

Ghana is a strong advocate for the exclusivity of a coastal state's rights to the living resources in its economic zone. It is essential, Ghana maintains, that the coastal state be the sole authority in the disposition of fishery resources in the coastal economic zone. This includes satisfying its own needs as well as parceling out the remainder to other states, for Ghana is sympathetic to the full utilization concept. But Ghana will not be bound by a treaty that dictates what countries will fish in another's economic zone and opposes the U.S. priority of access proposal, which calls for states that have traditionally fished in the economic zone to have first priority; neighboring states, second; and all others, third. Accra's priority list, aimed primarily at reducing the ease with which the sophisticated fleets of advanced states gain access to the economic zones of Ghana and other developing states, would undoubtedly reverse the order of the first two groups of states on the U.S. list, with "neighboring states" reading "adjacent states." Ghana would not exclude developed states from its economic zone, but would probably demand that some sort of technology transfer be a part of any bilateral fishing agreement.

The Ghanaian delegation has indicated approval of the U.S. proposal on highly migratory species that calls for coastal state regulation within the coastal zone according to international or regional standards. Ghana also has called for special regulations for anadromous and endangered species, but has so far made no specific proposals.

Deep Seabed (U)

There are basic questions relating to the economic and technological ramifications of seabed mining that, because of the newness of the whole concept, Ghana feels cannot be answered at present:

- present and future relative costs of land and seabed mining,
- effects of seabed mining on the world market and on the economies of individual states, land-based producers and others, and

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-- future demand for minerals.

To deal with these and other questions, Ghana wants an all-powerful seabed authority, unbridled by a body of specific treaty articles that might quickly lose relevancy in a changing and ever more sophisticated milieu. The Ghanaian delegation at Caracas, therefore, cosponsored and unreservedly supported the Group of 77 proposal on the seabed (see Annex), which gives the authority comprehensive and effective control of all phases of seabed development, from preliminary exploration through price control and marketing. Ghana also supports the Group of 77 contention that the assembly be the most powerful organ within the authority's machinery.

Landlocked and Geographically Disadvantaged States (U)

Ghana supports the right of landlocked and geographically disadvantaged states to:

- free access to the seas,
- the living resources beyond coastal state jurisdiction,
- a share of the revenues derived from the mining of seabed minerals beyond the area of coastal state jurisdiction, and
- the living resources of a neighboring coastal state's exclusive economic zone.

With respect to the latter, however, Accra interprets "neighboring" as "adjacent" (Ghana has only one adjacent landlocked neighbor) and will support only very general treaty articles guaranteeing such rights. Ghana wants to control such access to its economic zone through bilateral and regional agreements. To be bound by detailed treaty articles that ensure foreign access to its coastal zone would, Ghana feels, erode its sovereign exclusivity. Ghana will not be obligated to share the mineral resources of its coastal zone with anyone, viewing such resources as integral parts of the natural prolongation of its sovereign land territory.

Marine Pollution (U)

At Caracas Ghana was one of ten coastal states in varying stages of economic development to cosponsor a set of draft articles on the zonal approach to marine pollution control (see Annex). The articles call for application of international and

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regional control standards for all types of marine pollution, regardless of source, in the coastal zone, with coastal state enforcement. At Geneva in 1973, Ghana cosponsored a proposal that calls for combined coastal state/flag state enforcement of vessel-source pollution standards in the coastal zone (see Annex). A Ghanaian delegate envisioned a flow of technology from advanced states to lesser developed states as they explored and studied together the causes of and means to combat marine pollution.

Ghana advocates the right of a coastal state to set vessel construction, vessel-source pollution, and seabed-source pollution standards in its economic zone that are higher than international and regional standards to take into account peculiar local environmental features. Ghana also thinks that a coastal developing state should be allowed to reduce international and regional standards in its economic zone to speed economic development.

Scientific Research (U)

Ghana considers scientific research the principle vehicle in the LOS framework for the transfer of technology. The country will demand transfer of technology from more developed countries that conduct research in Ghanaian waters and will want similar provisions between the researchers and the international seabed authority in the area beyond national jurisdiction. Accra, therefore, supports the position that scientific research be controlled by the coastal state in the coastal economic zone and by the international seabed authority in the area beyond. Accra proposes that data derived from research in the international area be freely disseminated, but that data from research in the coastal zone be controlled by the coastal state.

Regional Arrangements (U)

Ghana endorses the idea of regional arrangements for development of living resources, pollution control, scientific research, and dispute settlement.

Dispute Settlement (U)

The draft articles on the economic zone and on marine pollution that Ghana cosponsored contain general provisions for peaceful settlement of disputes. Beyond that, the Ghanaian delegation has publicly said nothing on the subject, possibly an indication that the Accra government might be reluctant to support detailed articles on dispute settlement. Like many developing countries, Ghana probably views mandatory settlement of disputes as an affront to its sovereignty.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS (U)

The military seized control of the Ghanaian Government in 1972 and now rules by decree through the National Redemption Council in which all executive and legislative power is vested. That one of its members, Commissioner for Justice E. N. Moore, leads the country's 1975 Geneva delegation, is indicative of the importance the council attaches to the negotiation of a new oceans treaty. It also may indicate that the delegation will have some measure of independence in negotiating Ghana's interests, although the council will certainly make final decisions.

Ambassador F. Boaten, Permanent Representative to the UN; Mr. G. Nikoi, Attorney General's Department; Mr. W. W. K. Vanderpuye, Foreign Ministry; and Mr. K. O. Kumi, Ghana UN Mission; are also on the Geneva delegation. A list of the members of Ghana's UN LOS delegations follows:

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LOS Conference Attendees

H.E. Mr. K.B. ASANTE
Ambassador
Permanent Representative to the
UN

*H.E. Mr. F.E. BOATEN
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative to the
UN

Mr. E.A. BOATENG
Chairman
Environmental Protection Council

Mr. J.Q. CLELAND
Minister Counselor
Deputy Permanent Representative
to the UN

*Mr. Gordon G.N. CUDJOE
Head of the UN Division
Ministry of Foreign Affairs

Mr. K.O. KUMI
First Secretary
Permanent Mission to the UN

Mr. H. LIMANN
Counselor
Permanent Mission to the UN

*H.E. Mr. E.N. MOORE
Commissioner of Justice and
Attorney General

Mr. G. NIKOI
State Attorney
Attorney General's Office

Seabed Committee Session						Third LOS Conference		
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar- May 75
X	X							
				X		X	X	X
							X	
				X				
X	X	X	X					
		X		X	X	X	X	X
	X							
							X	X
							X	X

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LOS Conference Attendees

Mr. S.E. QUARM
Supervising Director
Political Department
Ministry of Foreign Affairs

H.E. Mr. Osei TUTU
Ambassador to Switzerland
Permanent Representative to the
UN

*Mr. W.W.K. VANDERPUYE
Director
Legal and Consular Division
Ministry of Foreign Affairs

Mr. W.A. WILSON
Minister Counselor
Deputy Permanent Representative
to the UN

Seabed Committee Session						Third LOS Conference		
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar- May 75
						X		
X	X				X			
					X		X	X
					X			

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GHANA

Part II - Background Information*

Geography

World region: Africa
Category: coastal
Bordering states: Upper Volta, Togo, Ivory Coast
Bordering bodies of water: Atlantic Ocean (Gulf of Guinea)
Area of continental shelf: 6,100 sq. mi.
Area to 200 mi. limit: 63,600 sq. mi.
Area to edge of continental margin: 20,100 sq. mi.
Coastline: 335 statute mi.
Land: 92,000 sq. statute mi.
Population: 9,686,000

Industry and Trade

GDP: \$2.5 billion (1972 est., at current prices); \$280 per capita
Major industries: mining, lumbering, light manufacturing, fishing, aluminum
Exports: \$443 million (f.o.b., 1972); cocoa (about 75%), wood, gold, diamonds, manganese, bauxite, aluminum (aluminum regularly excluded from balance of payments data)
Imports: \$257 million (c.i.f., 1972); textiles and other manufactured goods, food, fuels, transport equipment
Major trade partners: EC, U.S.
Merchant marine: 19 ships (1,000 GRT or over) totaling 126,200 GRT, includes 18 cargo, 1 bulk (C)

Marine Fisheries

Catch: 281,000 metric tons, valued at \$45.7 million
Economic importance: important dietary item and provides employment for coastal inhabitants
Other fishing areas: west and southern African countries
Species: mackerel, scad, horse mackerel, anchovy, sardinella, tuna
Nature of marine fisheries techniques: mixed traditional-modern
Other countries fishing off coast: U.S.S.R., Japan, France, Poland, U.S., Spain, Italy, Portugal, Taiwan, South Korea

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Marine Fisheries (con't)

Extent of foreign offshore fishing: will bear the brunt of supplying country's increasing need for fish

Petroleum Resources

Petroleum: proved recoverable reserves -- 7.5 million 42-gal. bbl.
(1 million metric tons) shut in and offshore; no production
Natural gas: none

Navy

Ships: 2 large sub chasers, 2 sub chasers, 2 inshore minesweepers,
1 coastal minesweeper, 1 repair/maintenance craft (C)

Government Leaders

Chief of State, Chairman of NRC Colonel I.K. Acheampong
Foreign Minister, Major R.M. Baah

Multilateral Conventions

Optional Protocol of Signature Concerning the Compulsory Settlement
of Disputes, February 29, 1958.
International Convention for the Prevention of Pollution of the
Sea by Oil, July 17, 1962.
International Convention for the Safety of Life at Sea, March 22, 1962.
Regulations for the Prevention of Collisions of Vessels at Sea,
March 22, 1962.
Convention on Facilitation of International Maritime Traffic,
November 5, 1965.
International Convention on Load Lines, September 25, 1968.
International Convention for the Conservation of Atlantic Tunas,
April 17, 1968.
Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer
Space, and Under Water, November 27, 1963.
Convention on the Inter-Governmental Maritime Consultative
Organization, July 7, 1959.

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Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea		3 mi.	<i>U.K. Law</i>
	1963	12 mi.	Act 175, Territorial Waters and Continental Shelf Act, 1963, Apr. 19, 1963 <i>U.N. Doc. A/AC. 135/11, p. 34</i>
	1972	30 mi.	<i>Law not available</i>
Continental Shelf	1963	100 fathoms, contiguous to and seaward of territorial sea	Act 175 of Apr. 19, 1963
	1968	100 fathoms and seabed/sub- soil beyond which are cap- able of exploita- tion	Decree of Nov. 27, 1968
Exclusive Fishing		12 mi.	<i>Fisheries ordinance</i>
	1973	30 mi.	
Fisheries Conservation	1963	100 mi.	Act 175 4 <u>Whiteman</u> 34 <i>Beyond Territorial Sea</i>
Pollution	1964	12 mi.	Act No. 235, Apr 6, 1964 <i>Additional areas may be designated</i>

* Principal Source: Limits of the Seas, National Claims to Maritime Jurisdiction, 2d Revision, State Dept./INR, April 1974

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Action on Significant UN Resolutions

Moratorium Resolution

(A/RES/2574 D, XXIV, 12/15/69)

Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.

Against

LOS Conference

(A/RES/2750 C, XXV, 12/17/70)

Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.

Cosponsor

LOS Conference, Timing and Site

(A/RES/3029 A, XXVII, 12/18/72)

Cosponsor

Indian Ocean as a Zone of Peace

(A/RES/2992, XXVII, 12/15/72)

Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.

In favor

Landlocked/Shelf-Locked Study Resolution

(A/RES/3029 B, XXVII, 12/18/72)

Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.

Abstain

Peruvian Coastal State Study Resolution

(A/RES/3029 C, XXVII, 12/18/72)

Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.

In favor

Permanent Sovereignty over Natural Resources

(A/RES/3016 XXVII, 12/18/72)

Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

Cosponsor

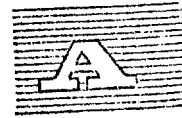
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Membership in Organizations Related to LOS Interests

AFDB African Development Bank
Commonwealth
ECA Economic Commission for Africa
FAO Food and Agriculture Organization
IAEA International Atomic Energy Agency
IBRD International Bank for Reconstruction
 and Development
ICAO International Civil Aviation
 Organization
ILO International Labor Organization
IMCO Inter-Governmental Maritime Consulta-
 tive Organization
IMF International Monetary Fund
ITU International Telecommunication Union
OAU Organization of African Unity
UN United Nations
UNESCO United Nations Educational, Scientific,
 and Cultural Organization
UPU Universal Postal Union
WHO World Health Organization
WMO World Meteorological Organization

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UNITED NATIONS
GENERAL
ASSEMBLY



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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

DRAFT ARTICLES ON EXCLUSIVE ECONOMIC ZONE

proposed by Algeria, Cameroon, Ethiopia, Ghana, Kenya,
Liberia, Madagascar, Mauritius, Sierra Leone, Somalia, Sudan,
Tunisia, United Republic of Tanzania and Zaire.

ARTICLE I

All States have a right to determine the limits of their jurisdiction over the seas adjacent to their coasts beyond a territorial sea of miles in accordance with the criteria which take into account their own geographical, geological, biological, ecological, economic and national security factors.

ARTICLE II

In accordance with the foregoing Article, all States have the right to establish an Economic Zone beyond the territorial sea for the benefit of their peoples and their respective economies in which they shall have sovereignty over the renewable and non renewable natural resources for the purpose of exploration and exploitation. Within the zone they shall have exclusive jurisdiction for the purpose of control, regulation and exploitation of both living and non-living resources of the Zone and their preservation, and for the purpose of prevention and control of pollution.

The rights exercised over the Economic Zone shall be exclusive and no other State shall explore and exploit the resources therein without obtaining permission from the Coastal State on such terms as may be laid down in conformity with the laws and regulations of the Coastal State.

The coastal State shall exercise jurisdiction over its Economic Zone and third States or their nationals shall bear responsibility for damage resulting from their activities within the Zone.

GE.73-48653

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page 3

ARTICLE VIII

Nationals of a developing land-locked State shall enjoy the privilege to fish in the exclusive economic Zones of the adjoining neighbouring coastal States. The modalities of the enjoyment of this privilege and the area to which they relate shall be settled by agreement between the coastal State and the land-locked State concerned. The right to prescribe and enforce management measures in the area shall be with the Coastal State.

The African States endorse the principle of the right of access to and from the sea by the land-locked countries, and the inclusion of such a provision in the universal treaty to be negotiated at the Law of the Sea Conference.

ARTICLE IX

The deliniation of the Economic Zone between adjacent and opposite States shall be carried out in accordance with international law. Disputes arising therefrom shall be settled in conformity with the Charter of the United Nations and any other relevant regional arrangements.

ARTICLE X

Neighbouring developing States shall give reciprocal preferential treatment to one another in the exploitation of the living resources of their respective Economic Zones.

ARTICLE XI

No State exercising foreign domination and control over a territory shall be entitled to establish an Economic Zone or to enjoy any other right or privilege referred to in these articles with respect to such territory.

ARTICLE XII

Draft Article Under Article 19, Regime of Islands

1. Maritime spaces of islands shall be determined according to equitable principles taking into account all relevant factors and circumstances including, inter alia:
 - (a) The size of islands;
 - (b) The population or the absence thereof;
 - (c) Their contiguity to the principal territory;
 - (d) Whether or not they are situated on the continental shelf of another territory;
 - (e) Their geological and geomorphological structure and configuration.
2. Island States and the regime of archipelagic States as set out under the present Convention shall not be affected by this article.

A/AC.138/SC.II/L.40
page 2

ARTICLE III

The limits of the Economic Zone shall be fixed in nautical miles in accordance with criteria in each region, which take into consideration the resources of the region and the rights and interests of developing land-locked, near land-locked, shelf-locked States and States with narrow shelves and without prejudice to limits adopted by any State within the region. The Economic Zone shall not in any case exceed 200 nautical miles, measured from the baselines for determining territorial sea.

ARTICLE IV

In the Economic Zone, ships and aircrafts of all States, whether coastal or not, shall enjoy the right of freedom of navigation and overflight and to lay submarine cables and pipelines with no restrictions other than those resulting from the exercise by the coastal state within the area.

ARTICLE V

Each State shall ensure that any exploration or exploitation activity within its Economic Zone is carried out exclusively for peaceful purposes and in such a manner as not to interfere unduly with the legitimate interests of other States in the region or those of the International Community.

ARTICLE VI

The exercise of sovereignty over the resources and jurisdiction over the zone shall encompass all the economic resources of the area, living and non-living, either on the water surface or within the water column, or on the soil or sub-soil of the sea-bed and ocean floor below.

ARTICLE VII

Without prejudice to the general jurisdictional competence conferred upon the coastal State by Article II above, the State may establish special regulations within its Economic Zone for:

- (a) Exclusive exploration and exploitation of renewable resources;
- (b) Protection and conservation of the renewable resources;
- (c) Control, prevention and elimination of pollution of the marine environment;
- (d) Scientific research.

UNITED NATIONS

GENERAL
ASSEMBLY



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1 August 1973

ENGLISH ONLY

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

DRAFT ARTICLE ON EXCLUSIVE ECONOMIC ZONE

proposed by Algeria, Cameroon, Ghana, Ivory Coast, Kenya, Liberia,
Madagascar, Mauritius, Senegal, Sierra Leone, Somalia, Sudan, Tunisia,
United Republic of Tanzania and Zaire

Corrigendum

Page 3, Article 2, first line

After land-locked State insert and other geographically disadvantaged
States

CW.73-49870



UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**

FIRST COMMITTEE



Distr.
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A/CONF 62/C.1/L.7
16 August 1974

ORIGINAL: ENGLISH

Text prepared by the Group of 77 and circulated in accordance with
the decision taken by the Committee at its informal meeting on
16 August 1974

BASIC CONDITIONS

1. The area and its resources being the common heritage of mankind, the title to the Area and its resources and all other rights in the resources are vested in the Authority on behalf of mankind as a whole. These resources are not subject to alienation.
2. Title to the minerals and all other products derived from the resources shall not pass from the Authority except in accordance with the rules and regulations laid down by the Authority and the terms and conditions of the relevant contracts, joint ventures or any other such form of association entered into by it.
3. The Authority shall from time to time determine the part or parts of the Area in which activities relating to exploration and exploitation may be conducted.
4. All contracts, joint ventures or any other such form of association entered into by the Authority relating to the exploration of the Area and the exploitation of its resources and other related activities shall ensure the direct and effective control of the Authority at all times, through appropriate institutional arrangements.
5. The Authority may, if it considers it appropriate, enter into contracts relating to one or more stages of operations with any person, natural or juridical. These stages of operations may include the following: scientific research, general survey, exploration, evaluation, feasibility study and construction of facilities, exploitation, processing, transportation and marketing.
6. (a) The Authority shall establish appropriate procedures and prescribe qualifications on the basis of which persons natural or juridical may apply to the Authority for entering into contracts relating to one or more stages of operations.
(b) The selection from among applicants shall be made by the Authority on a competitive basis, taking into special account the need for the widest possible direct participation of developing countries, particularly the land-locked among them. The decision of the Authority in that regard shall be final and definitive.

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7. Subject to the provisions of paragraph 6, a contractor who has fulfilled his contract regarding one or more stages of operations, as the case may be, to the satisfaction of the Authority shall have priority in the award of a contract for a further stage or stages of operations.
8. The rights and obligations arising out of a contract with the Authority shall not be transferred except with the consent of the Authority and in accordance with the rules and regulations laid down by it.
9. The Authority may, if it considers it appropriate, enter into a joint venture or any other such form of association with any person, natural or juridical, to undertake one or more stages of operations, provided, however, that the Authority shall have financial control through majority share and administrative control in such joint venture or other form of association.
10. The Authority shall ensure security of tenure to a contractor within the terms of the contract provided he does not violate the provisions of the Convention and the rules and regulations laid down by the Authority.
11. In case of a radical change in circumstances or "force majeure", the Authority may take appropriate measures, including revision, suspension or termination of the contract.
12. Any person, natural or juridical, entering into a contract, joint venture or any other such form of association with the Authority may be required to provide the funds, materials, equipment, skill and know-how necessary for the conduct of operations at any stage or stages, and to deposit a guarantee.
13. Any responsibility, liability or risk arising out of the conduct of operations shall lie only with the person, natural or juridical, entering into a contract with the Authority.
14. The share of the Authority in a contract, joint venture or any other such form of association may be, inter alia, in the form of the production or the proceeds from the resources.
15. (a) The Authority shall ensure that any person, natural or juridical, who enters into a contract, joint venture or any other such form of association with it undertakes to transfer to the Authority, on a continuous basis, technology, know-how and data relevant to the stage or stages of operations involved, during the life of such a contract, joint venture or any other such form of association.

(b) The Authority and any person, natural or juridical, who is a party to a contract, joint venture or any other such form of association, shall draw up a programme for the training of the personnel of the Authority.

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(c) The Authority shall further ensure that any person, natural or juridical, who enters into a contract, joint venture or any other such form of association with it, undertakes to provide at all levels training for personnel from developing countries, particularly the land-locked among them, and employment, to the maximum extent possible, to qualified personnel from such countries.

16. The Authority shall have the right to take at any time the necessary measures in order to apply the provisions contained in this Convention, particularly those relating to regulation of production.

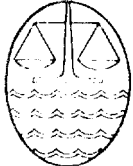
17. The applicable law shall be solely the provisions of this Convention, the rules and regulations laid down by the Authority, and the terms and conditions of the relevant contracts, joint ventures and any other such form of association entered into by the Authority.



UNITED NATIONS



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**THIRD CONFERENCE
ON THE LAW OF THE SEA**

A/CCNF.62/C.3/L.6
31 July 1974

ORIGINAL: ENGLISH

THIRD COMMITTEE

Canada, Fiji, Ghana, Guyana, Iceland, India, Iran, New Zealand,
Philippines and Spain: draft articles on zonal approach to the
preservation of the marine environment

These draft articles do not necessarily represent the full or final position of the co-sponsors, are without prejudice to declared national positions, and do not imply withdrawal of the proposals submitted, individually or jointly, by some of the above-named States or substitution of such proposals or national positions by the present draft articles.

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I

States have the obligation to protect and preserve the marine environment.

II

1. States shall co-operate on a global basis and as appropriate on a regional basis, directly or through competent international organizations, global or regional, to formulate and elaborate treaties, rules, standards and recommended practices and procedures consistent with this Convention for the prevention of marine pollution, taking into account characteristic regional features, the economic capacity of developing countries and their need for economic development.

2. States with interests in the marine environment of a region or geographically common area should co-operate in formulating common policies and measures for the protection of such regions or areas. States should endeavour to act consistently with the objectives and provisions of such policies and measures.

III

1. States shall take all necessary measures to prevent pollution of the marine environment from any source, using for this purpose the best practicable means in accordance with their capabilities, individually or jointly, as appropriate, and according to their own environmental policies

2. States shall take all necessary measures to ensure that activities under their jurisdiction or control do not cause damage to areas beyond their national jurisdiction, including damage to other States and their environment, by pollution of the marine environment.

3. The measures taken pursuant to these articles shall deal with all sources of pollution of the marine environment, whether air, land, marine, or any other sources. They shall include inter alia:

(a) In respect of land-based sources of pollution of the marine environment, including rivers, estuaries, pipelines and outfall structures, measures designed to minimize the release of noxious and harmful substances, especially persistent substances, into the marine environment, to the fullest possible extent;

(b) In respect of pollution from vessels, measures relating to the prevention of accidents, the safety of operations at sea and intentional or other discharges, including measures relating to the design, equipment, operation and maintenance of vessels, especially of those vessels engaged in the carriage of hazardous substances whose release into the marine environment, either accidentally or through normal operation of the vessel, would cause pollution of the marine environment;

(c) In respect of pollution from installations or devices engaged in the exploration and exploitation of the natural resources of the sea-bed and subsoil, measures for the

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prevention of accidents and the safety of operations at sea, and especially measures related to the design, equipment, operation and maintenance of such installations and devices; and

(d) In respect of pollution from dumping by vessels, aircraft and fixed or floating platforms, measures for prohibiting or regulating such dumping.

IV

In taking measures to prevent marine pollution, States shall guard against the effect of transferring damage or hazard from one area to another.

V

Nothing in these articles shall derogate from the sovereign right of a State to exploit its own resources pursuant to its environmental policies and in accordance with its duty to protect and preserve the marine environment both in its own interests and in the interests of mankind as a whole.

VI

The coastal State has in and throughout its economic zone (hereinafter referred to as the "zone") the rights and duties specified in these articles for the purposes of protecting and preserving the marine environment and preventing and controlling pollution.

VII

1. Within the zone, the coastal State shall have jurisdiction, in accordance with these articles, to establish and adopt laws and regulations and to take administrative and other measures in respect of the activities of all persons, natural and juridical, vessels, installations and other entities for the purposes set out in article VI.

2. The coastal State shall have the right to enforce in the zone laws and regulations enacted in accordance with paragraph 1 of this article.

3. (a) In respect of pollution of the marine environment from land-based sources and from installations or devices engaged in the exploration and exploitation of the natural resources of the sea-bed and subsoil, the laws and regulations of the coastal State shall take into account internationally agreed rules, standards and recommended practices and procedures.

(b) (i) In respect of ship-generated pollution, the laws and regulations of the coastal State shall conform to internationally agreed rules and standards.

(ii) Where internationally agreed rules and standards are not in existence or are inadequate to meet special circumstances, coastal States may adopt reasonable and non-discriminatory laws and regulations additional to or more stringent than the relevant internationally

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agreed rules and standards. However, coastal States may apply stricter design and construction standards to vessels navigating in their zones only in respect of waters where such stricter standards are rendered essential by exceptional hazards to navigation or the special vulnerability of the marine environment, in accordance with accepted scientific criteria. States which adopt measures in accordance with this subparagraph shall notify the competent international organization without delay, which shall notify all interested States about these measures.

VIII

The coastal State shall exercise its rights and perform its duties in the zone with regard to the preservation of the marine environment without undue interference with other legitimate uses of the sea, including, subject to the provisions of this Convention, the laying of cables and pipelines.

IX

In the zone, ships and aircraft of all States, whether coastal or not, shall enjoy freedom of navigation and overflight subject to the exercise by the coastal State of its rights within the zone, as provided for in this convention, with regard to the preservation of the marine environment.

(Further articles in elaboration of the zonal approach will be required, including provision for the peaceful settlement of disputes, special areas, intervention, liability, the relationship of these articles with other international conventions, and mechanisms for the establishment of rules and standards.)

UNITED NATIONS

GENERAL
ASSEMBLY



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22 August 1973

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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE III

COASTAL STATE ENFORCEMENT OF STANDARDS FOR PREVENTION OF
POLLUTION FROM VESSELS

BASIC ZONAL APPROACH

Working Paper submitted by Australia, Canada, Colombia, Fiji,
Ghana, Iceland, Iran, Jamaica, Kenya, Mexico, New Zealand,
Philippines and United Republic of Tanzania

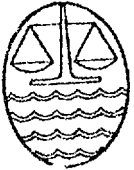
Coastal States may establish or adopt and enforce standards for the prevention of marine pollution from vessels in (areas) (zones) within their jurisdiction adjacent to their territorial sea.

COMMENT

This approach is without prejudice to the extent of the area or zone in question, or the nature of the jurisdiction to be exercised by the coastal State in such area or zone in respect of vessel source pollution, or the question whether the standards to be enforced shall be international, national, or both. As regards enforcement, the coastal State's jurisdiction could be exercised not to the exclusion of but concurrently with flag State jurisdiction. It is understood that a further elaboration of this basic approach would be necessary in order to determine the modalities of its application.



UNITED NATIONS



THIRD CONFERENCE
ON THE LAW OF THE SEA

SECOND COMMITTEE



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26 August 1974

ORIGINAL: ENGLISH

Ghana, Ivory Coast, Kenya, Lesotho, Liberia, Libyan Arab Republic,
Madagascar, Mali, Mauritania, Morocco, Senegal, Sierra Leone, Sudan,
Swaziland, Tunisia, United Republic of Cameroon and United Republic
of Tanzania: draft articles on the exclusive economic zone

Article I

A coastal State has the right to establish beyond its territorial sea an Exclusive Economic Zone which shall not exceed 200 nautical miles from the applicable baselines for measuring the territorial sea.

Article II

(1) In the Exclusive Economic Zone a coastal State shall have sovereignty over the living and non-living resources. It shall have sovereign rights for the purpose of regulation, control, exploration, exploitation, protection and preservation of all living and non-living resources therein.

(2) The resources referred to in (1) of this article, shall encompass the living and non-living resources of the water column, the sea-bed and the subsoil.

(3) Subject to article VI, no other State has the right to explore and exploit the resources therein without the consent or agreement of the coastal State.

Article III

A coastal State shall also have exclusive jurisdiction within the Exclusive Economic Zone, inter alia, for the purposes of:

- (a) Control, regulation and preservation of the marine environment including pollution control and abatement;
- (b) Control, authorization and regulation of scientific research;
- (c) Control and regulation of customs and fiscal matters related to economic activities in the zone.

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Article IV

A coastal State shall have the exclusive right to make and enforce regulations relating to, inter alia, the following:

- (a) The authorization and regulation of drilling for all purposes,
- (b) The construction, emplacement, operation and use of artificial islands and other installations;
- (c) Establishment and regulation of safety zones around such off-shore islands and installations;
- (d) The licensing of fishing vessels and gear;
- (e) Closed fishing seasons,
- (f) Types, sizes and amount of gear; and numbers, sizes and types of fishing vessels;
- (g) Quota and sizes of fish that may be caught
- (h) The conduct of research, disposition of samples and reporting of associated scientific data.

Article V

(1) In the Exclusive Economic Zone all States shall enjoy the freedom of navigation, overflight and laying of submarine cables and pipelines.

(2) In the exercise of freedoms referred to in paragraph 1 of this article, States shall ensure that their activities in the Exclusive Economic Zone are carried out in such a manner as not to interfere with the rights and interests of the coastal State.

Article VI

(1) Developing land-locked and other geographically disadvantaged States have the right to exploit the living resources of the Exclusive Economic Zones of neighbouring States and shall bear the corresponding obligations.

(2) Nationals of land-locked and other geographically disadvantaged States shall enjoy the same rights and bear the same obligations as nationals of coastal States in the exploitation of the living resources of the Exclusive Economic Zone.

(3) Bilateral, subregional or regional arrangements shall be worked out for the purposes of ensuring the enjoyment of the rights and the carrying out of the obligations referred to in paragraphs 1 and 2 of this article in full respect of the sovereignty of the States concerned.

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Article VII

States in a region may establish regional or subregional arrangements for the purposes of developing and managing the living resources, promoting scientific research, preventing and controlling pollution, and for the purpose of peaceful settlement of disputes.

Article VIII

(1) The delimitation of the Exclusive Economic Zone between adjacent or opposite States shall be done by agreements between them on the basis of principles of equity, the median line not being the only method of delimitation.

(2) For this purpose, special account shall be taken of geological and geomorphological factors as well as other special circumstances which prevail.

Article IX

Each State shall ensure that any exploration or exploitation activities within its Exclusive Economic Zone is carried out exclusively for peaceful purposes and in such a manner as not to interfere with the legitimate interest of other States in the region or those of the international community.

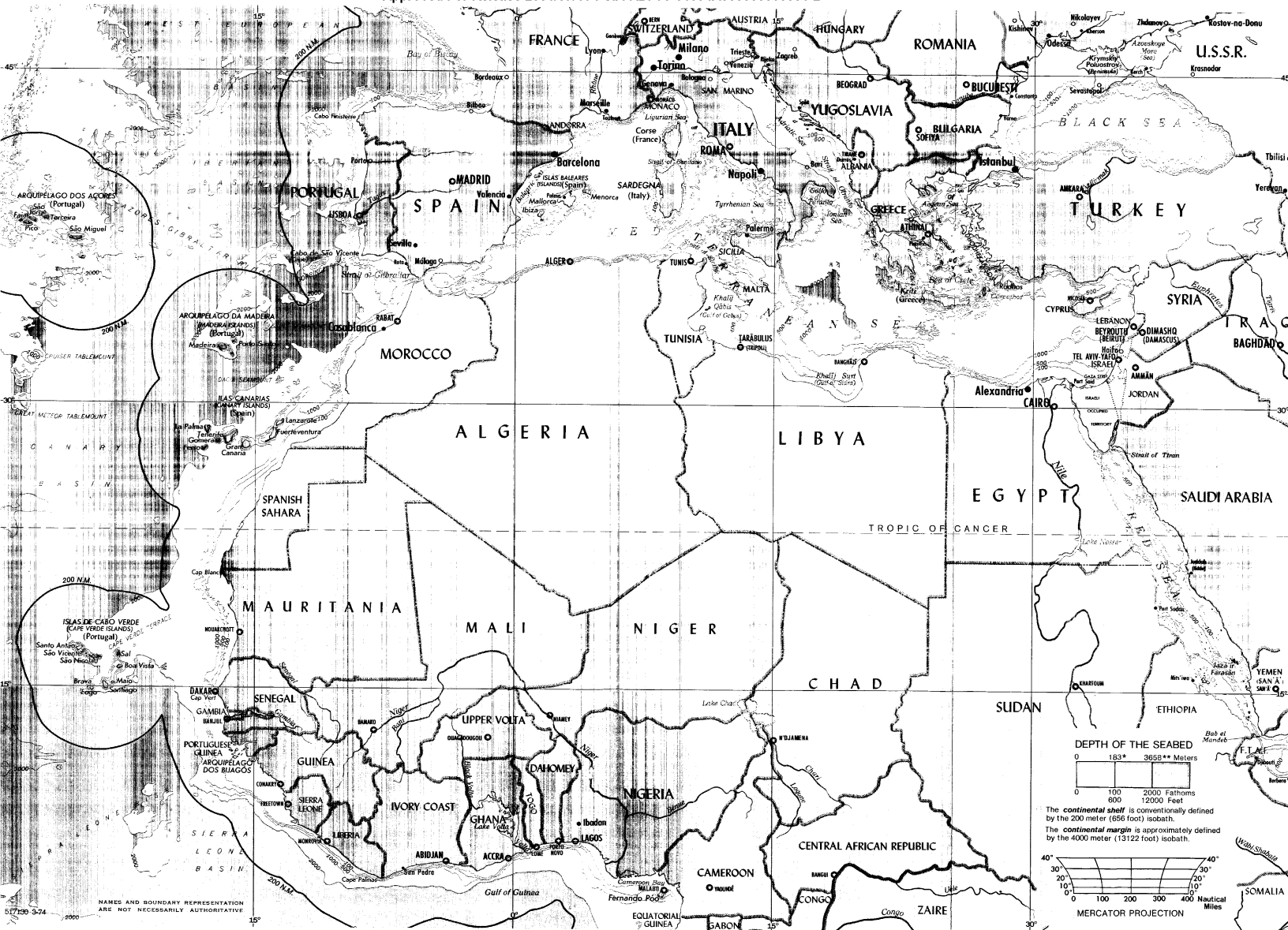
Article X

No State shall be entitled to construct, maintain, deploy or operate, in the Exclusive Economic Zone of another State, any military installation or device or any other installation or device for whatever purposes without the consent of the coastal State.

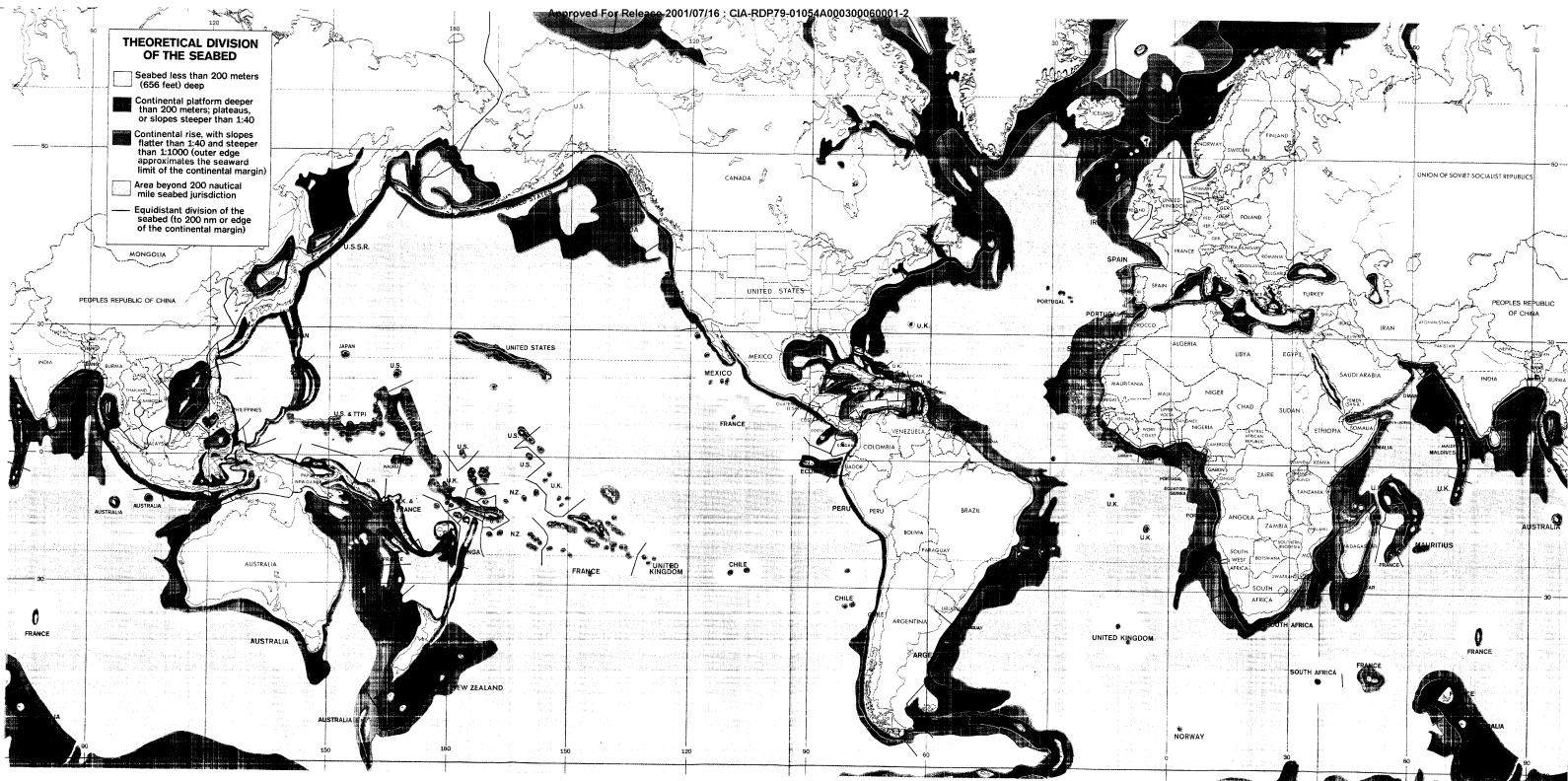
Article XI

In respect of a territory whose people have not achieved full independence or some other self-governing status recognized by the United Nations, the rights to the resources of its Exclusive Economic Zone belong to the people of that territory. These rights shall be exercised by such people for their benefits and in accordance with their needs and requirements. Such rights may not be assumed, exercised or benefited from or in any way be infringed upon by a foreign Power administering or occupying or purporting to administer or to occupy such territory.

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